THE COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Petition of Fitchburg Gas and Electric Light Company for
Review and Approval by the Department of
Telecommunications and Energy of the Company's 2005/2006
Peak Cost of Gas Adjustment Clause filing.

An Investigation by the Department of Telecommunications and Energy Regarding the Assignment of Interstate Pipeline
Capacity Pursuant to Natural Gas Unbundling.

MOTION OF FITCHBURG GAS AND ELECTRIC LIGHT COMPANY FOR PROTECTIVE TREATMENT

NOW COMES Fitchburg Gas and Electric Light Company d/b/a Unitil ("Unitil") and respectfully requests that the Department of Telecommunications and Energy ("Department") grant it protection from public disclosure for certain confidential and competitively sensitive information submitted in compliance with the Department's Order in Docket D.T.E. 04-1. In support of this Motion, Unitil states:

- 1. In D.T.E.04-1, the Department directed that each LDC provide data on variances in forecast versus billed usage for non-daily metered customers with each Cost of Gas Adjustment filing. (D.T.E. 04-1, *Slip Op.* at 47.) Unitil requests protection from public disclosure the following information: the names and details of the supplier transactions provided in Attachment A, and the "Throughput" and "Active Period" provided for each marketer on Table 2.
- 2. G.L. c. 25, § 5D is specifically designed to protect against disclosure of competitively sensitive information. That provision, in part, provides:

[T]he [D]epartment may protect from public disclosure, trade secrets, confidential, competitively sensitive or other proprietary information provided in the course of proceedings conducted pursuant to this chapter. There shall be a presumption that the information for which protection is sought is public information and the burden shall be upon the proponent of such protection to prove the need for such protection. Where such a need has been found to exist, the [D]epartment shall protect only so much of the information as is necessary to meet such need.

3. Unitil submits that the provisions of this filing described above should be protected from public disclosure because this information is competitively sensitive information concerning the names and details of supplier transactions. This information is normally not disclosed by Unitil, and Unitil takes steps to protect this information from public disclosure. This information reveals data and detail concerning Unitil's gas suppliers and marketers and may enable parties to use this normally undisclosed information to Unitil's or its customers disadvantage. Unitil submits that this information is well within the scope of "confidential, competitively sensitive or other proprietary information" contemplated by G.L. c. 25, § 5D, and accordingly, should be protected from public disclosure.

WHEREFORE, for all the reasons set forth in this Motion, Unitil respectfully requests that the Department issue an Order granting protective treatment to the provisions of the filing described above.

Respectfully submitted,

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Certificate

I certify that a copy of this Motion for Protective Treatment has been served this 30th day of November, 2005, via overnight express mail, upon the Massachusetts Office of the Attorney General.

Gary Eplei